IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL ST.NO. 35391 OF 2003.

The State of Maharashtra. ... Appellant.
Versus.
Trimbak Ragho Kadu. ... Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 7th June, 2006.

P.C.:

1. Heard Shri Tated, the learned A.G.P. appearing for the Appellant.

2. By this Appeal the Appellant-State of Maharashtra has taken exception to the Judgment and Award dated 26th April 2002 passed by the learned Civil Judge,Senior Division, Raigad in a Reference under section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act").

3. The acquisition relates to the land situated in the village Kamothe, Taluka Panvel, District Raigad. The land was notified for acquisition by notification under section 4 of the said Act on 3rd February 1970. It was notified for the public purpose of development of satellite city of Navi Mumbai. The Reference Court has awarded the market value at the rate of Rs.14/- per sq.meter together with other statutory benefits under the said Act. After having heard Shri Tated, the learned A.G.P. appearing for the Appellant, I find that no case is made out for interference in view of the decision of the Division Bench of this Court in First

Appeal No.754 of 1986 (Nama Padu Hudar & others v/s. State of Maharashtra) and other connected Appeals. By the said decision, the Division Bench dealt with appeals arising out of references under section 18 of the said Act pertaining to the lands from villages the Kamothe and Panvel, Taluka Panvel, District Raigad. The lands subject matter of the said Appeals before the Division Bench were also notified for acquisition under section 4 of the said Act by the same notification dated 3rd February 1970. The Division Bench has awarded market value at the rate of Rs.20/- to Rs.25/- per sq.meter to the acquired land from the village Kamothe depending upon the distance of the acquired from the Bombay-Pune Highway. In the present case, the finding of the Reference Court is that the acquired land is in close proximity of the Bombay-Pune Highway. The minimum rate awarded by the Division Bench is Rs.20/- per sq.meter. The decision of the Division Bench has been approved by the Apex Court in its decision dated 6th March 2006 in Civil Appeal No.1557 of 2006.

4. In the present case, the Reference Court has awarded the market value only at the rate of Rs.14/- per sq.meter. There is no dispute about the grant of statutory benefits. Hence no interference is called for. The Appeal is summarily dismissed. No order as to costs.

Judge.